

**SENATE . . . . . No. 596**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Robert L. Hedlund***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act relative to affordable housing built near wetlands..**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Robert L. Hedlund</i>	
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Bruce E. Tarr</i>	
<i>Michael R. Knapik</i>	

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By Mr. Hedlund, petition (accompanied by bill, Senate, No. 596) of Cantwell, Knapik, Tarr and other members of the General Court for legislation relative to affordable housing built near wetlands [Joint Committee on Housing].

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 770 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act relative to affordable housing built near wetlands..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1: Section 21 of chapter 40B of the Massachusetts General laws is hereby  
2 amended by adding the following paragraph:-

3           Applications to build low and moderate income housing units using a comprehensive  
4 permit shall not be exempt from local bylaws and ordinances concerning building in or the  
5 disturbance of environmentally sensitive areas including, but not limited to, bordering vegetative  
6 wetlands, watersheds, scenic rivers, marshes, wildlife sanctuaries, and vernal pools. Compliance  
7 with these local bylaws and ordinances shall not be considered an uneconomic condition. Local  
8 boards shall have the sole discretion to waive these local bylaws and ordinances.